[10191/4396]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s)	:	Michael GILGE
Serial No.	:	10/541,283
Filed	:	April 3, 2006
For	:	METHOD FOR RECORDING VIDEO/AUDIO DATA IN A NETWORK
Art Unit	:	2621
Examiner	:	Marc A. DAZENSKI
Confirmation No.	:	7697

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Commissioner for Patents
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APPELLANT'S APPEAL BRIEF
UNDER 37 C.F.R. § 41.37

S I R :

Applicant electronically filed a Notice of Appeal on March 25, 2010, appealing from the Final Office Action dated November 10, 2009, in which claims 37-72 of the above-identified application were finally rejected. This Appeal Brief is being submitted by Applicant in support of his appeal.

I. REAL PARTY IN INTEREST

The real party in interest in the present appeal is Robert Bosch GmbH of Stuttgart, Germany. Robert Bosch GmbH is the assignee of the entire right, title, and interest in the present application.

II. RELATED APPEALS AND INTERFERENCES

No appeal or interference which will directly affect, or be directly affected by, or have a bearing on, the Board's decision in the pending appeal is known to exist to the undersigned attorney or is believed by the undersigned attorney to be known to exist to Applicant.

III. STATUS OF CLAIMS

Claims 37-72 are currently pending in the present application, stand rejected and are being appealed. Claims 1-36 have been canceled. Among the appealed claims, claims 37, 64 and 72 are independent; claims 38-63 depend on claim 37; and claims 65-71 depend on claim 64.

IV. STATUS OF AMENDMENTS

No Amendment has been made subsequent to the final Rejection mailed on November 10, 2009.

V. SUMMARY OF CLAIMED SUBJECT MATTER

With respect to independent claim 37, the present invention provides a method for recording at least one of video data and audio data generated by a capturing device (Fig. 1, element 12; Fig. 7, element 60) having a data memory (Fig. 1, element 26; Fig. 7, element 64), the method including:

connecting the data memory (Fig. 1, element 26; Fig. 7, element 64) of the capturing device (Fig. 1, element 12; Fig. 7, element 60) to at least one recording device (Fig. 1, element 18; Fig. 7, element 66) that has a greater storage capacity than the data memory of the capturing device; (Substitute Specification, p. 8, l. 17 – 28; p. 9, l. 13-21; p. 11, l. 1-4);

exchanging data between the data memory (Fig. 1, element 26; Fig. 7, element 64) of the capturing device and the at least one recording device (Fig. 1, element 18; Fig. 7, element 66), whereby a virtual data memory (Fig. 1, element 30; Fig. 7, element 68) is formed for the capturing device (Fig. 1, element 12; Fig. 7, element 60) by operational association between the data memory (Fig. 1, element 26; Fig. 7, element 64) of the capturing device and the at least one recording device (Fig. 1, element 18; Fig. 7, element 66); (p. 17, l. 1-21; p. 21, l. 11-17; and Fig. 6);

at the capturing device (Fig. 1, element 12; Fig. 7, element 60), receiving a request from a user to access the exchanged data, wherein the request does not differentiate between data stored on the data memory (Fig. 1, element 26; Fig. 7, element 64) of the capturing device and data stored on the virtual data memory (Fig. 1, element 30; Fig. 7, element 68); (p. 2, l. 18-25); and

responsive to the request, retrieving the exchanged data stored on the virtual data memory (Fig. 1, element 30; Fig. 7, element 68), the retrieving occurring at the capturing device (p. 2, l. 18-25).

With respect to independent claim 64, the present invention provides a data capturing device (Fig. 1, element 12; Fig. 7, element 60) for at least one of video and audio data, including:

a data memory (Fig. 1, element 26; Fig. 7, element 64) for storing at least one of video and audio data; (p. 10, l. 21-25; p. 21, l. 7-9);

a control device (Fig. 4, element 32) for the data memory; (p. 11, l. 10-15); and

an interface unit (Fig. 4, element 25) for facilitating communication with at least one central recording device (Fig. 1, element 18; Fig. 7, element 66), wherein data are transmitted via the interface unit to the at least one central recording device; (p. 9, l. 14-21);

wherein reading-out of data from the data memory (Fig. 1, element 26; Fig. 7, element 64) for transmission to the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) is operationally dependent on input of new data into the data memory (Fig. 1, element 26; Fig. 7, element 64), and whereby a virtual data memory (Fig. 1, element 30; Fig. 7, element 68) is formed for the capturing device (Fig. 1, element 12; Fig. 7, element 60) by operational association between the data memory (Fig. 1, element 26; Fig. 7, element 64) and the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66), (p. 17, l. 1-

21; p. 21, l. 11-17; and Fig. 6), the interface unit (Fig. 4, element 25) being configured to retrieve the transmitted data from the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory (Fig. 1, element 26; Fig. 7, element 64) and data stored on the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) (p. 2, l. 18-25; 9, l. 14-21).

With respect to independent claim 72, the present invention provides a recording system for capturing and storing at least one of video and audio data, including:

at least one central recording device (Fig. 1, element 18; Fig. 7, element 66); (p. 8, l. 17-28; p. 21, l. 11-17); and

a data capturing device (Fig. 1, element 12; Fig. 7, element 60) including:

a data memory (Fig. 1, element 26; Fig. 7, element 64) for storing at least one of video and audio data; (p. 10, l. 21-25; p. 21, l. 7-9);

a control device (Fig. 4, element 32) for the data memory; (p. 11, l. 10-15); and

an interface unit (Fig. 4, element 25) for facilitating interface with at the least one central recording device (Fig. 1, element 18; Fig. 7, element 66), wherein data are transmitted via the interface unit to the at least one central recording device; (p. 9, l. 14-21);

wherein reading-out of data from the data memory (Fig. 1, element 26; Fig. 7, element 64) of the data capturing device for transmission to the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) is operationally dependent on input of new data into the data memory (Fig. 1, element 26; Fig. 7, element 64) of the data capturing device, and whereby a virtual data memory (Fig. 1, element 30; Fig. 7, element 68) is formed for the capturing device by operational association between the data memory (Fig. 1, element 26; Fig. 7, element 64) of the capturing device and the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66); (p. 17, l. 1-21; p. 21, l. 11-17; and Fig. 6);

wherein, if the data from the data memory (Fig. 1, element 26; Fig. 7, element 64) of the data capturing device have been transmitted to the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) intact, the at least one central recording device sends a notification of the intactness of the transmitted data to the data capturing device (Fig. 1,

element 12; Fig. 7, element 60), (p. 18, l. 23-25), and wherein, upon receipt of the notification of the intactness of the transmitted data, the data capturing device (Fig. 1, element 12; Fig. 7, element 60) deletes the transmitted data from the data memory (Fig. 1, element 26; Fig. 7, element 64), (p. 18, l. 25-27), the interface unit (Fig. 4, element 25) being configured to retrieve the transmitted data from the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory (Fig. 1, element 26; Fig. 7, element 64) and data stored on the at least one central recording device (Fig. 1, element 18; Fig. 7, element 66) (p. 2, l. 18-25; 9, l. 14-21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review on appeal in this case:

(A) Whether pending claims 37-48, 64-66 and 68-72 are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,386,872 ("Shimizu") in view of U.S. Patent No. 6,741,977 ("Nagaya").

(B) Whether pending claims 49, 51-63 and 67 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Shimizu in view of Nagaya and U.S. Patent No. 5,724,475 ("Kirsten").

(C) Whether pending claim 50 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Shimizu in view of Nagaya, Kirsten and U.S. Patent No. 6,954,859 ("Simerly").

VII. ARGUMENTS

A. Rejection of Claims 37-48, 64-66 and 68-72 under 35 U.S.C. § 103(a)

Claims 37-48, 64-66 and 68-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,386,872 ("Shimizu") in view of U.S. Patent No. 6,741,977 ("Nagaya"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics <u>necessarily</u> flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 37 recites, in relevant parts, "exchanging data **between the data memory** of the capturing device **and the at least one recording device**, whereby **a virtual data memory is formed for the capturing device** by operational association between the data memory of the capturing device and the at least one recording device; **at the capturing device, receiving a request** from a user **to access the exchanged data, wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory; and responsive to the request, retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device.**" Claims 64 and 72 recite features substantially similar to the above-recited features of claim 37.

In the Final Office Action, the Examiner contends that col. 7, l. 2-16; col. 8, l. 63 – col. 9, l. 14; and Figs. 1-2 of Nagaya disclose the limitation that "**at the capturing device, receiving a request** from a user **to access the exchanged data** [exchanged between the data memory of **the capturing device** and the at least one **recording device**]," which limitation is acknowledged by the Examiner as missing from the teachings of Shimizu. In addition, the Examiner further contends that col. 9, lines 4-34 of Nagaya disclose the limitation that "**the request [from the user] does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory**; and responsive to the request, **retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device**," which limitation is also acknowledged by the Examiner as missing from the teachings of Shimizu. However, the actual disclosure of Nagaya fails to support the Examiner's contentions, as explained in detail below.

To the extent the Examiner cites col. 7, l. 2-16; col. 8, l. 63 – col. 9, l. 14; and Figs. 1-2 of Nagaya as allegedly disclosing the limitation that "**at the capturing device, receiving a request** from a user **to access the exchanged data** [exchanged between the data memory of the capturing device and the at least one **recording device**]," the actual disclosure of Nagaya does not support the Examiner's contention. As clearly recited in col. 9, l. 5-15, the "[o]perations involved in the survey or perusal . . . are executed by the CPU 150 under the control of the control program 171 which is stored in the memory 170," and the "monitored event information relevant to the user's request is transferred to the memory 170 from the monitored event database stored in the auxiliary storage unit 160," all of which components 150, 160, 170 and 171 shown in Fig. 2 are part of the **recording/playback apparatus 100** (col. 7, l. 26-27). Although the Examiner's interpretation of the prior art and the claimed elements is not at all clear, particularly since the Examiner does not provide any specific equivalence between each claimed element and a corresponding element of the prior art, if the Examiner is implicitly contending that the recording/playback apparatus 100 **and** the camera 200 **together** form the alleged equivalent of the claimed "**capturing device**," and that the personal computer 220 is somehow equivalent to the claimed "**recording device**," then there is no suggestion in Nagaya regarding any **request from a user to access** the "data exchanged between the data memory of **the capturing device** and the at least one **recording device**," since Nagaya merely mentions that "the digital image recorded [at

recording/playback apparatus 100] <u>can</u> be sent to a personal computer 220," (col. 7, l. 3-10), but there is no suggestion in Nagaya that any of the information stored in memory units 160 and 170 (which memory units are involved in the response to the user request discussed in col. 9, l. 5-15) are <u>actually sent to, or exchanged with, the personal computer</u>. In any case, the user request for data discussed in Nagaya is absolutely <u>not conditioned</u> on whether or not any data has been exchanged between the data memory of <u>the capturing device</u> and the at least one <u>recording device</u>.

Independent of the above, if the Examiner is implicitly contending that the recording/playback apparatus 100 **and** the camera 200 **together** form the alleged equivalent of the claimed "<u>capturing device</u>," and that the personal computer 220 is somehow equivalent to the claimed "<u>recording device</u>," Nagaya clearly fails to suggest the claimed limitation "responsive to the request, **retrieving the exchanged data stored on the virtual data memory**, the **retrieving occurring at the capturing device**," which limitation is alleged by the Examiner as being taught by the disclosure of Nagaya in which "the images are transferred to memory (170) from auxiliary data storage (160) by making use of the path name and then the monitored images are displayed on the display device (210)." (See final Office Action, p. 6). As clearly recited in claim 37, the "virtual data memory" is created by **association between the memory of the capturing device and the recording device**, i.e., "a virtual data memory is formed for the capturing device by operational association between the data memory of the capturing device and the at least one recording device," but the Examiner's interpretation assumes that the personal computer 220 is somehow equivalent to the claimed "<u>recording device</u>," and Nagaya clearly doesn't suggest anything about <u>a virtual memory formed by operational association between the recording/playback apparatus 100 and the personal computer 200</u>. Since there is no suggestion in Nagaya regarding any <u>virtual memory formed by operational association between the recording/playback apparatus 100 and the personal computer 200</u>, Nagaya clearly cannot suggest the claimed limitation "responsive to the request, **retrieving the exchanged data stored on the virtual data memory**, the **retrieving occurring at the capturing device**."

For at least the foregoing reasons, the combination of Shimizu and Nagaya fails to render obvious independent claims 37, 64 and 72, as well as dependent claims 38-48, 65, 66 and 68-71. Reversal of the obviousness rejection is respectfully requested.

B.   Rejection of Claims 49, 51-63 and 67 under 35 U.S.C. § 103(a)

Claims 49, 51-63 and 67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Nagaya and U.S. Patent No. 5,724,475 ("Kirsten"). Applicant respectfully submits that the pending claims are patentable over the applied references for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claims 49, 51-63 and 67 are ultimately dependent on claim 37 or 64. As noted above, the combination of Shimizu and Nagaya fails to render obvious parent claims 37 and 64, particularly because Nagaya fails to suggest the limitations that "**at the capturing device, receiving a request** from a user **to access the exchanged data, wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory**; and responsive to the request, retrieving the exchanged data stored on the virtual data memory, **the retrieving occurring at the capturing device**." In addition, the teachings of Kirsten do not remedy, and are not asserted by the Examiner to remedy, the above-noted deficiencies of Shimizu and Nagaya as applied against claims 37 and 64, let alone suggest the limitations of dependent claims 49, 51-63 and 67. Accordingly, claims 49, 51-63 and 67 are allowable over the applied combination of references.

In view of all of the foregoing, reversal of the obviousness rejection of claims 49, 51-63 and 67 is respectfully requested.

C.   Rejection of Claim 50 under 35 U.S.C. § 103(a)

Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Nagaya, Kirsten and U.S. Patent No. 6,954,859 ("Simerly"). Applicant respectfully submits that the pending claims are patentable over the applied references for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements"

in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 50 is ultimately dependent on claim 37. As noted above, the combination of Shimizu, Nagaya and Kirsten fails to render parent claim 37 obvious, particularly because Nagaya fails to suggest the limitations that "**at the capturing device, receiving a request from a user to access the exchanged data, wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory; and responsive to the request, retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device**." In addition, the teachings of Simerly do not remedy, and are not asserted by the Examiner to remedy, the deficiencies of Shimizu, Nagaya and Kirsten as applied against claim 37, let alone suggest the limitations of dependent claim 50. Accordingly, claim 50 is allowable over the applied combination of references.

In view of all of the foregoing, reversal of the obviousness rejection of claim 50 is respectfully requested.

VIII. CONCLUSION

For the foregoing reasons, it is respectfully submitted that the final rejections of claims 37-72 should be reversed.

Claims Appendix, Evidence Appendix and Related Proceedings Appendix sections are found in the attached pages.

Respectfully submitted,

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CLAIMS APPENDIX

The claims involved in this appeal, claims 37-72, in their current form after entry of all amendments presented during the course of prosecution, are set forth below:

37.   A method for recording at least one of video data and audio data generated by a capturing device having a data memory, comprising:

connecting the data memory of the capturing device to at least one recording device that has a greater storage capacity than the data memory of the capturing device;

exchanging data between the data memory of the capturing device and the at least one recording device, whereby a virtual data memory is formed for the capturing device by operational association between the data memory of the capturing device and the at least one recording device;

at the capturing device, receiving a request from a user to access the exchanged data, wherein the request does not differentiate between data stored on the data memory of the capturing device and data stored on the virtual data memory; and

responsive to the request, retrieving the exchanged data stored on the virtual data memory, the retrieving occurring at the capturing device.

38.   The method as recited in claim 37, wherein the data memory of the capturing device is a local data memory.

39.   The method as recited in claim 38, wherein the at least one recording device forms a central data memory.

40.   The method as recited in claim 39, wherein the capturing device is interconnected with a digital communication network.

41.   The method as recited in claim 40, wherein the at least one recording device is interconnected with the digital network.

42.   The method as recited in claim 41, wherein reading-out of data from the data memory of the capturing device for transmission to the at least one recording device is operationally dependent on input of new data into the data memory of the capturing device.

43.   The method as recited in claim 42, wherein the new data input into the data memory of the capturing device are more current in time than the data read out from the data memory of the capturing device.

44.   The method as recited in claim 42, wherein the reading-out of data from the data memory of the capturing device for transmission includes copying of the data from the data memory of the capturing device.

45.   The method as recited in claim 43, wherein the data transmitted from the data memory of the capturing device are received by the at least one recording device and stored.

46.   The method as recited in claim 43, wherein during the input of new data into the data memory of the capturing device, older data are read out from the data memory of the capturing device for transmission.

47.   The method as recited in claim 46, wherein the new data are input into the data memory of the capturing device at a substantially the same rate as a rate of reading out the data from the data memory of the capturing device.

48.   The method as recited in claim 47, wherein the data are continually read out from the data memory of the capturing device.

49.   The method as recited in claim 46, wherein the data are read out from the data memory of the capturing device at specified time intervals.

50.   The method as recited in claim 49, wherein the data are read out from the data memory of the capturing device at a rate higher rate than a rate of input of the new data into the data memory of the capturing device.

51.   The method as recited in claim 49, wherein the data are read out from the data memory of the capturing device when a specified threshold is reached.

52.   The method as recited in claim 51, wherein the specified threshold is determined by the storage capacity of the data memory of the capturing device.

53.   The method as recited in claim 52, wherein storing of data in the data memory of the capturing device provides a buffer function for data transmission to the at least one recording device.

54.   The method as recited in claim 53, wherein the data read out from the data memory of the capturing device and successfully transmitted to the at least one recording device are deleted from the data memory of the capturing device after the successful transmission.

55.   The method as recited in claim 53, wherein the at least one recording device that receives the transmitted data from the data memory of the capturing device checks the transmitted data for intactness.

56.   The method as recited in claim 55, wherein, if the data from the data memory of the capturing device have been transmitted to the at least one recording device intact, the at least one recording device sends a notification of the intactness of the transmitted data to the capturing device.

57.   The method as recited in claim 56, wherein, upon receipt of the notification of the intactness of the transmitted data, the capturing device deletes the transmitted data from the data memory of the capturing device.

58.   The method as recited in claim 54, wherein the at least one recording device has a plurality of different storage areas that correspond to a plurality of different data recording time durations.

59.   The method as recited in claim 58, wherein the plurality of different storage areas are each reserved for a specified data recording time duration.

60.   The method as recited in claim 58, wherein the plurality of different storage areas are allocated to corresponding one of: a) a plurality of different capturing devices; and b) a plurality of different capturing units of a capturing device.

61.   The method as recited in claim 58, wherein the plurality of different storage areas are allocated to different specified data recording time durations.

62.   The method as recited in claim 58, wherein the data memory of the capturing device has a data storage capacity corresponding to a specified time duration of data accrual.

63.   The method as recited in claim 62, wherein data are transmitted from the data memory of the capturing device to the at least one recording device when a specified time limit threshold for data accrual in the data memory of the capturing device is exceeded.

64.   A data capturing device for at least one of video and audio data, comprising:
        a data memory for storing at least one of video and audio data;
        a control device for the data memory; and
        an interface unit for facilitating communication with at least one central recording device, wherein data are transmitted via the interface unit to the at least one central recording device;
        wherein reading-out of data from the data memory for transmission to the at least one central recording device is operationally dependent on input of new data into the data memory, and whereby a virtual data memory is formed for the capturing device by operational association between the data memory and the at least one central recording device, the interface unit being configured to retrieve the transmitted data from the at least one central recording device in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory and data stored on the at least one central recording device.

65.   The data capturing device as recited in claim 64, wherein the reading-out of data from the data memory for transmission includes copying of data from the data memory by the control device.

66. The data capturing device as recited in claim 65, wherein data are continually read out from the data memory by the control device for transmission.

67. The data capturing device as recited in claim 65, wherein data are read out at specified time intervals from the data memory by the control device for transmission.

68. The data capturing device as recited in claim 65, wherein, if the data from the data memory have been transmitted to the at least one central recording device intact, the at least one central recording device sends a notification of the intactness of the transmitted data to the control device.

69. The data capturing device as recited in claim 68, wherein, upon receipt of the notification of the intactness of the transmitted data, the control device deletes the transmitted data from the data memory.

70. The data capturing device as recited in claim 69, further comprising:
    at least one of a camera for generating the video data and a microphone for generating the audio data.

71. The data capturing device as recited in claims 69, wherein the interface unit is for interfacing a digital network, whereby data are transmitted on the digital network to the at least one central recording device that is interconnected with the digital network.

72. A recording system for capturing and storing at least one of video and audio data, comprising:
    at least one central recording device; and
    a data capturing device including:
        a data memory for storing at least one of video and audio data:
        a control device for the data memory; and
        an interface unit for facilitating interface with at the least one central recording device, wherein data are transmitted via the interface unit to the at least one central recording device;

wherein reading-out of data from the data memory of the data capturing device for transmission to the at least one central recording device is operationally dependent on input of new data into the data memory of the data capturing device, and whereby a virtual data memory is formed for the capturing device by operational association between the data memory of the capturing device and the at least one central recording device;

wherein, if the data from the data memory of the data capturing device have been transmitted to the at least one central recording device intact, the at least one central recording device sends a notification of the intactness of the transmitted data to the data capturing device, and wherein, upon receipt of the notification of the intactness of the transmitted data, the data capturing device deletes the transmitted data from the data memory, the interface unit being configured to retrieve the transmitted data from the at least one central recording device in response to a request from a user to access the transmitted data, wherein the request does not differentiate between data stored on the data memory and data stored on the at least one central recording device.

EVIDENCE APPENDIX

In the present application, there has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132, or other evidence entered by the Examiner and relied upon by Appellant in the present appeal.

RELATED PROCEEDINGS APPENDIX

No appeal or interference which will directly affect, or be directly affected by, or have a bearing on, the Board's decision in the pending appeal is known to exist.